

PROB 12C
(7/93)

Amended
United States District Court
for
District of New Jersey
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Emmitt Walls

Docket Number: 93-00559-004

PACTS Number: 6302

Name of Sentencing Judicial Officer: HONORABLE Maryanne Trump Barry

Reassigned Judicial Officer: HONORABLE Dennis M. Cavanaugh

Date of Original Sentence: 05/27/1994

Date of Violation Sentence: 11/05/03

Original Offense: Conspiracy to Possess With the Intent to Distribute 4 Kilograms of Cocaine

Original Sentence: 87 months imprisonment; 5 years supervised release. Drug testing/treatment; financial disclosure; \$5,000 fine.

Violation Sentence: 10 months imprisonment; 3 years supervised release

Type of Supervision: supervised release

Date Supervision Commenced: 04/19/06

Assistant U.S. Attorney: Eric Kanefsky, 970 Broad Street, Room 502, Newark, New Jersey 07102, (973) 645-2700

Defense Attorney: K. Anthony Thomas, 972 Broad Street, 2nd Floor, Newark, New Jersey 07102, (973) 645-6347

PETITIONING THE COURT

☐ To issue a warrant

☒ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	The offender has violated the supervision condition which states ' You shall not commit another federal, state, or local crime. '
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The offender was arrested on February 24, 2008, for Driving While Intoxicated by the New York City Police Department. Upon his arrest, a breathalyzer test was performed on the offender, which resulted in a reading of .131% BAC. On

February 29, 2008, he was sentenced to a one-year conditional discharge and a fine in the amount of \$575.

- 2 The offender has violated the supervision condition which states **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office'**

The offender was scheduled to appear at a designated facility for Code-A-Phone testing on December 27, 2007; however, failed to appear.

- 3 The offender has violated the supervision condition which states **'The defendant shall refrain from the illegal possession and/or use of drugs and shall submit to urinalysis or other forms of testing to ensure compliance. It is further ordered that the defendant shall submit to drug treatment, on an outpatient or inpatient basis, as directed by the U.S. Probation Office. The defendant shall abide by the rules of any program and shall remain in treatment until satisfactorily discharged with the approval of the U.S. Probation Office'**

The offender tested positive for cocaine on February 28, 2007, and July 11, 2007. He was subsequently referred to our Drug and Alcohol Treatment Specialist for an evaluation. However, the offender denied any drug use and refused to discuss treatment options, requesting to have his case return to Court. He admitted to the use of cocaine on 12/04/08.

- 4 The offender has violated the supervision condition which states **'refrain from excessive use of alcohol and shall not purchase, possess, use, distribute or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician.'**

On February 7, 2009, at 4:30 a.m., the offender was arrested by the Maywood Police Department for Domestic Violence Simple Assault. According to the arrest report, after being advised of his Miranda Warnings, the offender admitted to consuming several alcoholic beverages.

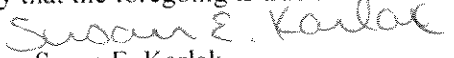

The Probation Office has determined this conduct constitutes a **Grade C violation.**

- 5 The offender has violated the supervision condition which states **'You shall not commit another federal, state, or local crime.'**

On February 7, 2009, at 5:29 p.m., the offender was arrested by the Maywood Police Department for Contempt of Court Order and Harassment. Following the offender's arrest at 4:30 a.m. (Violation No. 4) on this date, he was given a copy of a Restraining Order by the Maywood Police Department and advised not to contact the victim. However, according to the arrest report, the victim in the case reported to police that the offender contacted her via telephone at approximately 12:45 p.m., and asked, "Are we still friends?" two times. After being advised of his Miranda Warnings, the offender stated that he did not know that he could not call the victim. The offender informed the probation office that he called the victim by mistake.


The Probation Office has determined this conduct constitutes a **Grade C violation.**

I declare under penalty of perjury that the foregoing is true and correct.


By: Susan E. Karlak
U.S. Probation Officer
Date: 3/4/09 

THE COURT ORDERS:

- ☐ The Issuance of a Warrant
- ☒ The Issuance of a Summons. Date of Hearing: 13 APRIL 2009 @ 10 AM
- ☐ No Action
- ☐ Other


Signature of Judicial Officer
Dennis M. Cavanaugh
U.S. District Judge
3-19-09
Date